IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.25614 of 2008
BRIJ NANDAN PRASAD
Versus
STATE OF BIHAR

Cr.Misc. No.28162 of 2008
KHALID AZIZ SIDDIQUI
Versus
STATE OF BIHAR
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2 21.7.2008. Petitioners in both the applications are contractors who were allotted the work namely of Special Repair to Civil S.D.O. office and court (Old Collectorate) Building at Sheikhpura for the financial year 2005-06 by agreement no. 60F2 of 2006-07. So far petitioner Khalid Aziz Siddiqui (petitioner in Cr.Misc.No. 28162 of 2008) is concerned allegation against him is that he did not fix two cistern and the quality of wood of door and windows were not as per the agreement. In place of saal wood the local woods were supplied.

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Counsel for the petitioners submits that as per the total estimated loss amount it comes to Rs.39,000/- and the total loss caused by Brij Nandan Prasad (petitioner in Cr.Misc.No.25614 of 2008) is Rs.3673/- as he did not fix two wash basin. Another allegation against both the petitioners is that in connivance with the officials before completion of work on the basis of wrong measurement payment of bill has been made. It has been submitted that Clause 13 of the agreement is there to show that in such a situation the contractors will be asked to complete and in case it is not done the amount will be adjusted from their security deposits.

Considering the aforesaid facts both the petitioners namely

Khalid Aziz Siddiqui (petitioner in Cr.Misc.No.28162 of 2008) and Brij Nandan Prasad (Petitioner in Cr.Misc.No.25614 of 2008) are directed to appear and deposit their loss amount amounting to Rs.39,000/- and Rs.3673/- respectively before the Special Judge, Vigilance-II, Patna within four weeks from today and on their so deposing the loss amount, they shall be enlarged on bail on their furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Special Judge, Vigilance-II, Patna in connection with Vigilance Case no.21 of 2008 subject to the condition as laid down under Section 438(2) Cr.P.C. Deposits by petitioners will be subject to final out come of the Vigilance case.

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(Mridula Mishra, J)

Sss/-